S.B.CRIMINAL MISC. BAIL APPLICATION NO.5725/2006

Date : 03.01.2007

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. Shambhoo Singh for the applicant.
Mr. V.R. Mehta, Public Prosecutor for State.
Mr. Sandeep Mehta for complainant.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State assisted by learned counsel for the complainant and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that the accused applicant is only driver of the jeep and he is not responsible for kidnapping or giving beating in any manner to the deceased, therefore, his application moved under Section 439 Cr.P.C. should be considered for bail.

On the other hand, learned Public Prosecutor assisted by learned counsel for the complainant opposed the bail application and submitted that in the instant case the deceased was forcibly taken in a jeep and was beaten and detained in the jeep for hours together, therefore,the applicant's involvement in the crime is apparent and matter is being investigated.

I have considered the submissions made before me.

Without expressing any opinion on the merit of the case while taking into consideration the overall facts and circumstances of the present case and the fact that investigation is pending in the matter, therefore, I do not feel inclined to extend benefit of bail to the applicant.

The bail application stands rejected.

(SATYA PRAKASH PATHAK), J.

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